Cherokee ATTACHMENT 2

PERFORMANCE WORK STATEMENT
OU3 PHASE IV BAXTER SPRINGS SUBSITE
OU8 PHASE I RAILROADS
CHEROKEE COUNTY SUPERFUND SITE
CHEROKEE COUNTY, KANSAS

I. PURPOSE

This Performance Work Statement (PWS) describes the requirements for a remedial action for the mine waste located at multiple mine waste areas in the Baxter Springs subsite Operable Unit 03 (OU3) and three segments of railroad line located in the Railroads OU (OU8) portion of the Cherokee County Superfund site (Site). The Baxter Springs OU3 subsite is located along the Kansas-Oklahoma border in the south-central portion of Cherokee County. This PWS addresses surficial mine waste areas and contaminated sediment located at the former Sunflower Mine Complex, South of 19th Street and east of SE 30th St., Hessee/Lewis repository, Bruger Shaft complex, and multiple distal sites in and around Baxter Springs, KS (see Attachment A for a map of work areas)

This is a performance-based contract whose objectives are to carry-out the selected remedies for both OU3 and OU8 which consist of excavation, consolidation, and disposal of mine waste and associated soil/sediments contaminated with heavy metals. The remedial action will be conducted for the U.S. Environmental Protection Agency (EPA) in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the final plans and specifications developed during the remedial design (RD), the 1997 Record of Decision (ROD) and subsequent ROD Amendments issued in September 2006 and September 2016.

For this PWS, the term “mine waste” includes both visible mine waste (chat, tailings, and waste rock) and underlying soil/sediment contaminated with heavy metal concentrations exceeding the cleanup standards/goals.

II. BACKGROUND

The Site was listed on the National Priorities List in 1983 because of heavy metals contamination in groundwater, soils, and the presence of surficial mine waste, all of which constituted a significant source of potential heavy metal exposure to people and the environment. The primary contaminants of concern are lead, cadmium and zinc. The Site spans 115 square miles in southeast Kansas and is part of the larger 2,500 square mile Tri-State Mining District of southeast Kansas, southwest Missouri, and northeast Oklahoma. The Site is subdivided into nine operable units and subsites.

Mining was conducted in Cherokee County, Kansas for approximately 100 years from the middle 1800s to 1970. The majority of the mining was conducted by underground room and pillar methods where the mined ore was hoisted from the underground workings and treated at mills on the surface. The mills crushed the crude ore to less than 5/8-inch diameter, creating chat. Then the ore was concentrated using gravity separation processes or, after 1920, froth-flotation processes. Both methods created tailings. During the years the mines operated, rail lines were constructed in Cherokee County to connect mining and ore processing locations throughout the County. The ballast material used in the railroad beds was composed of chat from surrounding mine waste piles. The chat piles and tailings deposits continue to contaminate surface water, groundwater, and surface soils with heavy metals, primarily lead, zinc, and cadmium.

A number of open mineshafts and subsidence pits are scattered throughout the Baxter Springs subsite (OU3), creating significant physical risk to people in the area. Several vent pipes, wells, and mineshafts are identified on the design drawings for abandonment. However, additional vent pipes, wells, and mineshafts that require

abandoning may be discovered during the construction activities.

III. PERFORMANCE TASKS

The following tasks must be performed.

Task 1: Access and Documentation

Access agreements are not in place for all properties in the work area limits. The Contractor is responsible for obtaining access agreements for those properties that currently do not have such agreements. EPA has an available site breakdown of available access agreements and individual impacted parcels per work area.

The Contractor must collect access agreements with property owner(s) in coordination with the Contracting Officer's Representative (COR). The Contractor will work with the COR to coordinate and document property access with property owners and provide copies of access agreements after contract award. If, after three attempts via telephone, email/text, and letter, the property owner hasn't responded, the contractor must provide documentation of access attempts to the EPA. Attempts to gain access must be documented in a spreadsheet that includes, but is not limited to:

- Property owner name and address,
- Parcel number,
- Section Township and Range (STR) if a large parcel without a street address,
- Date time and type of each attempt; and
- Other relevant comments or information regarding attempted access, such as aggressive animals, works nights/sleeps days, gone during week, was uncooperative in person, etc.

The Contractor must coordinate a pre-construction site walk with the property owner(s) and provide a succinct description of the work to be conducted. This discussion must be clear to minimize misunderstandings between the property owner and the contractor. The pre-construction site walk must give the property owner an opportunity to accompany the Contractor, to identify specific issues that will be addressed during remediation and obtain the property owner's signature on the access agreement, as needed. The pre-construction site walk must also include documentation of site conditions of areas to be disturbed, condition of driveways, sidewalks, structures, landscaping, etc. Since the contractor is responsible for any damage to real property due to operator error or negligence, proper and detailed pre-construction documentation is highly recommended. All notes and side agreements that result from this meeting must be documented and submitted to the COR in writing and included in the weekly report. Side agreements are between the property owner and the Contractor. EPA will not be a party to nor reimburse the contractor for any side agreements.

Task 2: Site Preparation and General Activities

The Contractor must perform the following tasks for all work areas. Attachments Attachment B and C, incorporated herein, provide additional details and specificity:

- Mobilization.
- Temporary Access/Haul Road Improvements (Property owners may want minimal attractive nuisances left in-place post construction, therefore, maintenance to the road to the repositories should be minimal .
- Stabilized Construction Entrances to include leaving gates at completion of the project that match original site conditions per property owner's request.
- Clearing and grubbing which consist of the removal and disposal of trees, stumps, roots, logs, shrubs, grasses, weeds, fallen timber and other surface litter unless the pre-construction site walk identified any of these items that would need to be left in place.
- X-ray fluorescence (XRF) grid survey and sampling as approved in the Contractor's Field Sampling Plan (FSP)
- Solid Waste Disposal.

- Remove and replace existing fencing, as necessary. Maintain existing fencing for livestock or construct temporary fencing, as needed, for livestock management during remedial activities. For cost estimating purposes, assume barbed wire fencing (typically fencing is replaced as "like for like", so if the removed fence is four-strand barbed wire fence with metal T-posts then the fence would be replaced with a four-strand metal post fence)
- Demobilization.

The Contractor must perform waste delineation by XRF Grid Survey and Sampling per the price schedule, based on field tests with data summaries provided to the EPA prior to proceeding with excavation as shown in the contract Basis of Design (BOD)/specifications and drawings (PWS Attachments B and C). Linear features, such as farm trails or railroad spurs containing visible chat, must be included in the Contractor's waste delineation and are subject to remediation.

Requirements for Task 2 activities can be found in PWS Attachment B and C. For cost estimating purposes, refer to the price schedule for estimated quantities.

Task 3: Mine Waste Removal Requirements

Contractor must excavate and transport mine waste, contaminated soil, and sediment, and must dispose of these materials in subsidence features, mine shafts, or consolidated in designated mine waste consolidation areas (WCA) at existing central repositories located within the Site, as designated on the design drawings in PWS Attachment B and C. For purposes of this solicitation, refer to PWS Attachment B and C for the design drawings, particularly Table 2 on sheet G-02 to determine where the waste from each area will be transported. Based on remedial design investigation data, approximately 781,541 cubic yards of mine waste in the multiple work areas will require excavation. For purposes of this solicitation, refer to PWS Attachment B, C, ad G for the BOD/specifications and available data.

Trees and vegetation may be left-in-place during clearing and grubbing and excavation activities upon property owner request. For cost estimating purposes, the contractor may assume approximately 5% of trees and vegetation may be left in-place. Contractor must discuss how to address trees with the property owner during the initial communication and during the pre-construction site walk. Each tree and bush type and size must have a unique exclusion radius associated as specified in the following table:

Plant Size and Type	Exclusion Radius (feet from trunk)
Small Coniferous	2.5
Medium Coniferous	5
Large Coniferous	7.5
Small Deciduous	2
Medium Deciduous	4
Large Deciduous	6
Large Bush	2
Medium Bush	2
Small Bush	2

Contractor must refer to limits of disturbance shown on the contract drawings (PWS Attachment B and C) before initiating remediation activities at each property that requires remediation.

Contractor must excavate the mine waste and contaminated soil in approximately one-foot excavation lifts until the cleanup criteria detailed in Table 1 are achieved, as determined by confirmation sampling completed by both the Contractor and EPA. Contractor must remove visible mine waste and contaminated sediment from included streams until the cleanup requirements are met. The EPA on-site personnel or an EPA Technical Support

Contractor will perform quality assurance inspections to ensure that the Contractor has met the cleanup requirements in a work area. If an area has been excavated to approximately five feet below ground surface, the Contractor must stop excavation and inform the EPA to discuss and determine the feasibility of continuing excavation to a depth greater than five feet in that area. The cleanup requirements are listed in the following table.

Table 1. Soil and Sediment Cleanup Requirements

	Cadmium	Lead	Zinc
Soil (OU3)	10	400	1,100
Sediment (OU3)	17.3	219	2,949
Soil (OU8)	Not applicable	4,000	1,770
Notes: 1. All concentrations are listed as parts per million (milligrams per kilogram). 2. Sediment requirements apply to material within the visibly-defined normal pool banks of the creek channel that is saturated or located below the normal water table during the majority of the year.			

The Contractor must use field screening to guide the excavation. The Contractor must perform preconfirmation XRF screening to determine if an excavated area or a subset of an excavated area is less than the cleanup requirements. Preconfirmation XRF screening is defined as field screening the base of an excavation with an XRF prior to collecting confirmation samples. If the preconfirmation samples are less than the cleanup requirements, then the Contractor must notify the EPA that an area is ready for final confirmation sampling. EPA or an EPA Technical Support Contractor will be responsible for conducting confirmation sampling and providing sampling results within five (5) business days of sample collection.

The Contractor may over-excavate certain locations to obtain clean borrow material for backfill with prior approval of EPA and the property owner. Contractor must remove mine waste and perform confirmation sampling of potential borrow source material prior to over-excavation. Any borrow material from an over-excavated area would be subject to contract specifications for backfill material located in PWS Attachment B and C.

The Contractor must maintain haul roads during the contract to ensure protection of public safety. Maintenance may include temporary road repair (placing rock in potholes, periodic grading as needed to keep road surface free of ruts, potholes, large rocks, soft spots, etc.) and dust/debris control resulting from track out. Routine maintenance as described above is not a separate price item. Repair or /reimbursement costs associated with negligent use of roads for transportation or other contract performance, is the Contractor's sole and direct responsibility. See Task 10 for deliverables associated with documenting the haul route conditions and refer to PWS Attachment B and C for further details. Costs should be incorporated into excavation and hauling items in the price list.

Table 2 on Sheet G-02 of the project drawings found in PWS Attachment B, shows which of the four Waste Consolidation Areas ("WCA" or "repository") where the excavated mine waste will be placed following excavation. Table 2 referenced above, also identifies how much of the OU8 waste will be placed within each WCA. Subsidence pits and mine shafts may be encountered during work activities and must be used for disposal, refer to Task 8. All remaining mine waste materials must be transported to the designated waste consolidation areas identified by the EPA with one-way haul distances of five to no greater than 15 miles. Areas to place material within designated repositories will be identified by EPA and/or the property owner and could be subject to change based on site conditions.

Contractor must perform dust suppression activities and air monitoring during excavation and grading activities for repositories/work sites. Contractor must assess the heavy metal concentrations in the air at the repository and characterize the risks to their employees per OSHA. Contractor must assess particulate and heavy metal

concentrations at the fence line of the repositories as needed in response to concerns by neighboring property owners. These are not separately priced line items; therefore, these efforts must be built into other activities associated with these areas in the price schedule. The need for dust suppression and air monitoring must be coordinated with the COR, Alt-COR, or Contracting Officer (CO). However, Contractor must strive to achieve a goal of zero off-site dust emissions and/or runoff from a work area and/or repository.

Contractor will be required to place waste at the Early Bird repository as directed by the property owner and there may be a separate contractor to move waste within the repository. Any costs associated with the use of the Early Bird will be negotiated and handled by EPA under separate agreement between EPA and the repository owner. In contrast, Contractor must manage the waste at the other WCAs, such as Sunflower and Hesse-Lewis, including placement of wastes, maintaining dust suppression, and reducing any impacts to track-in/track-out materials at the repository entrance. During the base period, the waste being transported to the Early Bird repository will be from railroad segment E and for cost estimating purposes assume that it will be transported in the later part of the base period.

Task 4: Mine Waste Covering

Contractor must cover subsidence pits and mineshafts once they are determined to be full, in accordance with the design specifications and drawings. Upon coordination with the CO and COR, if excavation is necessary and completed around an existing structure (e.g., house, barn, old milling concrete foundation, etc.), the contractor must cover the area in accordance with BOD specifications listed in PWS Attachment B and C.

This PWS is for the soil cover system (also referred to as a repository cap) at the Hesse/Lewis and Sunflower mine. This PWS does <u>not</u> include capping and covering at the Early Bird repository.

The contractor must construct repository caps in accordance with the RD drawings and the following specifications: The Contractor must construct cap and cover systems in accordance with the RD drawings and specifications. The cap for WCAs, subsidence pits and surrounding structures must be constructed of a minimum of 1.5 total feet (18 inches) of clean earth material that meets contract specifications. This system consists of a minimum of 1.0 foot (12 inches) of clay material and a minimum of 0.5 foot (6 inches) of topsoil. The WCA cap must be constructed to promote runoff and prevent ponding water in accordance with the design drawings. Ancillary construction associated with the constructed WCA cap can include drainage let downs, drainage swales and other site improvements to convey surface water off and away from the capped areas.

Task 5: Erosion and Sediment Controls

Throughout the execution of the contract, Contractor must install and maintain erosion control measures to control storm water run-on and run-off in the repair areas and repository/waste consolidation areas as described in the RD and associated project plans such as the Stormwater Pollution Prevention Plan (SWPPP). Erosion control measures must be installed prior to any mine waste removal activities and must remain in place and be properly maintained until vegetation is fully established on the repair areas. Both temporary and permanent sedimentation and detention basins may be constructed in various areas and are selected in coordination with the CO and COR. Any deviation or modification from the RD and/or work plan must be approved and documented in advance by the CO or the COR prior to implementation.

Temporary seed species for surface erosion control must be as specified in Table 2, or a cover crop of other annual grass species and/or legume may be used as temporary cover as directed and/or approved by the CO or COR.

Table 2. Temporary Seed Species Mixture for Erosion Control

Species	**Application Rate* (lbs. pure live seed/acre)**
Annual Ryegrass	100.0
Brown Top or Pearl Millett	30.0
Oats	100.0
Winter Wheat	100.0
***Note: Rates may be adjusted per the documented recommendation of a seed expert and/or local agricultural extension agent per the approval of the CO or COR**	

Contractor must apply temporary seeding to areas lacking vegetation if no construction activities will be performed in the area for more than 30 days or if outside the approved seeding window for permanent seeding. Uniformly apply seed during optimum planting season at rates specified in Table 2, unless otherwise approved by the COR and/or the CO. The preferred method of seeding is by drilling the seed into the topsoil. If the Contractor chooses an alternative method, then the next preferable seeding application is hydroseeding with a mulch mixture. If broadcasting and mulching is the selected method of seed application, then the mulch must be crimped in with an appropriate crimping tool (pull behind straw crimper, roller crimper, etc.) before the seed and or mulch can wash or blow off the area of application. The Contractor must not seed in excess of that which can be mulched on the same day. Weed seed must be a maximum one percent (1%) by weight of the total mixture and seed must meet state inspection specifications listed in the BOD specs or mandated by the state in which the seed is being utilized. The mixing of seed may be done by the seed supplier prior to delivery, or on site as directed by COR and/or the CO. Substitutions are not allowed without written request and approval from the COR and/or the CO. Some property owners may ask for a seed mix not specified in the contract. These requests will be evaluated on a case-by-case basis by the Contractor consulting a seed expert such as a local agronomist, county extension agent, etc. The use of any alternative(s) will be at the approval and discretion of the CO or COR. Seeding is priced on a per acre basis and the unit price must include all aspects of the seed application. The anticipated results will be performance based, so all re-attempts that may be required to meet the BOD requirement for vegetative coverage will be covered under the initial unit price. Contractor is responsible for additional attempts at meeting the revegetation specifications.

Note: If the property owner or Contractor, with the property owner's permission, wants to harvest the forage or seed from the temporary cover crop before permanent fall seeding occurs, then that can be discussed/negotiated with the CO or COR in August prior to planning permanent fall seeding efforts. In some areas this may be preferable to overseeding/drilling permanent seed into cover crop and then mowing it down to be used as a mulch for the permanent seed. Contractor shall consult with the local agriculture extension agent in an effort to use and follow local techniques that can maximize revegetation efforts in meeting performance standards found in the BOD specifications and Quality Assurance Surveillance Plan (Attachment D).

Task 6: Regrading and Restoration

Upon completion of mine waste removal from each area, Contractor must restore each area in accordance with the design drawings and specifications. Contractor must grade the repair areas (i.e., those areas meeting the cleanup requirements) to promote proper drainage and eliminate standing water or channel any flow to an existing pond, as described in the design drawings and BOD. The design drawings require limited placement and compaction of clean imported fill material and topsoil within some of the excavated areas to achieve positive site drainage and reestablish surface vegetation. Contractor must replace gravel roads, as specified in the design drawings. Refer to the design specifications, PWS Attachment B, and drawings, PWS Attachment C, for further detail and estimated quantities.

Task 7: Revegetation

Excavation of the contaminated soils beneath the existing mine waste typically results in removal of existing topsoil. Contractor must replace topsoil and revegetate all disturbed areas as specified in the design documents, see PWS Attachments B and C. This task includes the soil fertility tests for soil amendments. The Contractor's Revegetation Plan must provide detailed information on respective borrow sources for select fill and topsoil, organic content of the proposed topsoil, and any special procedures and methods to be implemented during construction to ensure that vegetative growth is established under variable weather conditions.

Contractor must ensure that an effective stand of permanent vegetation be established. This is defined as the perennial portion of the specified seed mix growing as a uniform vegetative cover with a density of 75% of specified seed species over any and all one-acre areas, see PWS Attachment B and C. The contractor must monitor the newly established vegetative ground cover and any other erosion control measures and maintain effectiveness for the life of the contract and for six (6) months after contract expiration.

In the event the actions of the property owner cause damage, it is the contractor's responsibility to notify the COR and document the issue in writing and with photographs. If the contractor fails to notify the COR and provide documentation, then the contractor may be solely responsible for repairing damages.

Refer to the design specifications in PWS Attachment B and C for further detail on revegetation. EPA approval is required prior to any other vegetation being used that is not identified in the design documents.

Task 8: Fill and Plug Mine Shafts, Vent Pipes, Small Subsidence Pits, and Water Wells

Contractor must abandon all mineshafts, vent pipes, small subsidence pits (approximately 50 feet in diameter or less), and water wells encountered during field activities in accordance with the design and state requirements. These features may be filled with on-site mine waste. All mineshafts, vent pipes, and small subsidence pits must be documented geospatially in a Microsoft Excel spreadsheet by Contractor, refer to appropriate EPA SOP for GPS and metadata requirements (PWS Attachment E– SOP 2341.1). In addition to the features marked on the design drawings, additional mine shafts, vent pipes, wells, and pits may be uncovered during the remedial action. The vent pipes and wells may be assumed to have an inside diameter of 10 inches. The mineshafts are assumed to have a typical opening of eight feet by eight feet. Vent pipes and mineshafts are assumed to be approximately 150 feet deep. The EPA does not guarantee these assumptions.

Contractor must ensure that the mineshafts are properly filled prior to plugging, and therefore must fill the mineshafts as many times as necessary if the mine waste settles over time. If a shaft is encountered that cannot be filled with mine waste then it may be necessary to create a polyurethane foam (PUF) bridge to support the shaft plug until it hardens and cures. If the Contractor suspects they need to use PUF then contractor must notify the CO/COR who will coordinate with the Kansas Department of Health and Environment (KDHE) for concurrence and any special procedures/protocols.

Mine shafts: Although the specifications include provisions for closure of the mineshafts using PUF, it is anticipated that the majority of mineshaft closures can be accomplished by backfilling by other means and materials excluding PUF, as described in the specifications. However, if KDHE recommends plugging a shaft with PUF prior to pouring a reinforced concrete cap per the specs, then PUF closure must be completed per specifications. For cost estimating purposes, assume 90% of mineshaft abandonments without PUF and 10% of mineshaft abandonment with PUF during each contract period. Refer to the price schedule but at a minimum include pricing for one PUF closure per contract period, with the knowledge that it is more than likely a PUF closure will not be required for 90% of the shafts encountered within the contract areas.

Subsidence features: Subsidence features must be covered in accordance with the design specifications and drawings as soon as they are determined to be full. Contractor may use on-site mine waste to fill these features. The cover system must be constructed of a minimum of 1.5 total feet (18 inches) of clean earth material consisting of a minimum of 1.0 foot (12 inches) of clay material and a minimum of 0.5 foot (6 inches) of topsoil. For cost estimating purposes, assume a subsidence feature will cover approximately 225 square feet. The EPA does not guarantee these assumptions.

For mine shafts, vent pipes, and subsidence pits, the Contractor must install maintenance monuments at the locations per the BOD specifications in PWS Attachment B and C. The costs of the maintenance boundaries are assumed in the cost for abandonment.

Some mill works may be encountered during field activities. The Contractor may choose to remove those mill workings to fill mineshafts, vent pipes, and small subsidence pits or at the request of the landowner. The removal of mill works is not required under this contract. The Contractor may work with the property owner on agreements, outside of EPA, if the property owner is interested in removal. Costs associated with removing mill works are the responsibility of the Contractor and will not be reimbursed by the EPA.

Task 9: Surveys

A third-party surveyor hired by the Contractor must survey work areas at various points during construction, labeled with numbers 1-4 for each phase in this task. The phases are specified below:

1. BASELINE - The Contractor must conduct their own baseline (initial) survey. EPA has PDF and/or CADD files of some of the work areas from previous contractors which are available upon request.
2. A second survey must be completed at each work area following completion of excavation (post excavation). This will allow for an accurate calculation of the quantity of waste removed for true up billing purposes of mine waste/sediment excavation.
3. A third survey must be completed after all select fill has been placed and graded so that an accurate count of fill placement can be made, and quantities trued up for final CLIN payment (post clean fill).
4. A final (as-built) survey of each work area is required to accurately calculate the amount of topsoil placed, the depth of said topsoil and the final as-built elevations for completion reports.

Progress surveys may be conducted at the Contractor's discretion and may support invoices, assumed to be no more than biweekly.

All surveys must be conducted by a third-party surveyor within 15 calendar days of completion of each work phase. The as-built completion survey/report must be completed within 15 calendar days of completing all fill work and final grading. Final payments will be based on these surveys and failure to meet these requirements accurately and completely could result in delayed or even reduced unit price quantity payments.

If the Contractor plans to utilize unmanned aircraft systems (UAS) for their surveys, the Contractor must comply with the requirements in EPA Office of Land and Emergency Management (OLEM) Procedures for UAS. The approval process may take several weeks. The Contractor must request approval for UAS use as soon as practicable to allow time for the EPA approval process. The Contractor must provide EPA the required information for EPA to complete the approval memorandum which includes, but is not limited to, the following:

- Valid remote pilot certificate that meets the requirements in PWS Attachment F,
- Confirmation that the project's HASP covers the use of UAS,
- An access agreement with individual property owners that gives the Contractor approval to use UAS to conduct surveys and aerial photography on their property,
- Contact information for property owners (properties where the mission may occur and the surrounding property owners) to conduct a subset of the required notifications for each UAS mission, and
- Other requirements as set forth in the approval memorandum and referenced in EPA policies.

Please note that future EPA/Federal budgets may not allow the use of UASs for site work of any type. If that is the case, the requested use of UAS would be denied and traditional survey methods would need to be utilized.

Task 10: Deliverables

Draft and final versions of deliverables must include one (1) electronic copy unless stated otherwise. All other submittals listed in the specifications, on the Submittal Register, or on the drawings must be made available to the EPA upon request for information only. The EPA approval of all plans is required prior to receiving the Notice to Proceed (NTP) and initiating on-site work. The following submittals are required for this project:

Project Support Plans - All draft final plans must be submitted within 15 calendar days of contract award, except for the draft PMP which is due with the proposal unless otherwise noted.

- Final Project Management Plan (PMP) – due to the COR within 15 calendar days of receipt of EPA comments on the draft plan. The PMP must describe how the contractor plans to manage the work. The plan must include the following items:
  - The contractor's general approach used to conduct the work in accordance with the PWS, Specifications, and Drawings; and within the Period of Performance.
  - Identify the volume of material the contractor expects to remediate in monthly intervals.
  - Identify project organization for this contract.
  - Identify key personnel and contractor's points of contact and responsibilities.
  - Identify required resources.
  - Identify the intended communication process with EPA.
  - Identify the intended communication process with property owners and local residents and describe how complaints will be addressed.
  - Identify the intended communication process with other federal, state and local regulatory agencies (for example, US Fish and Wildlife Service [USFWS], Kansas Department of Transportation [KDOT], Kansas Department of Health and Environment [KDHE], etc.).
  - Identify the contractor's plan for subcontractor management.
  - Identify the contractor's operations and maintenance (O&M) plan that describes O&M activities for the mine waste consolidation area(s), which must include when and how the contractor must employ stormwater controls, dust suppression measures, and air monitoring.
  - Identify the contractor's schedule (Gantt chart) for completing the work at each location. The schedule must identify significant milestones, critical sequence of events, and include schedule considerations for each task and subtasks in the PWS. The schedule must include revegetation efforts, including appropriate seasonal seeding schedules to establish appropriate ground cover. The schedule must allow sufficient time for all required tasks to be completed prior to contract expiration.
  - If the contractor plans to meet the requirements of the "Commitment to the Local Community" incentive Sub-CLIN identified in the pricing schedule, a plan must be included in the PMP describing the proposed hiring strategy and how local subcontractor/ services/ laborers will be utilized through the duration of the contract.
  - Joint venture offerors must show the respective areas of responsibility for each partner.

- Final Uniform Federal Policy for Quality Assurance Project Plan (UFP-QAPP), following the Uniform Federal Policy for Quality Assurance Project Plans, Version 1, March 2005, EPA document EPA-505-B-04-900A (https://www.epa.gov/sites/production/files/documents/ufp_qapp_v1_0305.pdf). The final UFP-QAPP must include the Contractor's approach to provide reproducible data from XRF screening and confirmation sampling. The UFP-QAPP will provide data quality objectives, the field sampling plan (FSP), data management plan (DMP). Additionally, the UFP-QAPP must include an appendix with the Contractor's FSP and DMP. The Final UFP-QAPP is due to the TOCOR within 15 calendar days of receipt of EPA comments on the draft plan.

- Final Health and Safety Plan (HASP) - meet requirements of federal, state, and local laws, regulations and other requirements, including OSHA regulations at 29 CFR 1910.120 and any DOT requirements for shipping and/or trucking materials. The Final HASP is due to the COR within 15 calendar days of receipt of EPA comments on the draft plan.

- Final Transportation Management Plan (TMP) – this plan must detail the Contractor's proposed on-site and off-site haul routes, temporary/permanent improvements to obtain access to the waste areas, corrective actions to repair any damage to public roadways and private property, access controls for entering/exiting public roads from private property including signage and flagging for areas in close proximity to residential properties, measures to keep the haul routes free of dust and debris including trackout, and other measures to maintain public safety during transportation and placement of waste and backfill. This plan describes contractor actions for the purpose of meeting the requirements of this PWS and will be performed in addition to following all local, state, and Federal transportation laws and regulations. The final TMP is due to the COR within 15 calendar days of receipt of EPA comments on the draft plan.

- Final UAS (Unmanned Aerial System or drone) Use Plan – due to the COR within 15 days of EPA comments on draft plan submittal. This plan is required if the Contractor anticipates using UAS to collect field survey data and/or aerial imagery of the site. Plan will consist of the following (it is understood that not all of these items may be available at time of award):
  - UAS type/brand/make/model/manufacturer/date of manufacture, etc.
  - Onboard sensors/capabilities/camera mega pixels/accuracy, etc. (specifications)
  - Pilot's name and contact information.
  - Copy of Pilot's license and any other relevant certifications/trainings.
  - Landowner name and contact information for the work areas that will be flown with the UAS.
  - Written documentation of landowner permission to use UAS on or over his/her property.
  - List of all adjacent landowners to work areas targeted for UAS usage and their contact information.
  - Written explanation of how contractor will comply with third-party survey requirements specified under "Section 01721- Survey Requirements" within the Basis of Design when using UAS to collect site survey data.

- Final Livestock Management Plan (LMP) - Due to the COR within 15 days of final comments on draft LMP. Plan to include the following:
  - A map of the location of active cattle enclosures within project work areas.
  - A map identifying any permanent or temporary fencing that would need to be temporarily moved or removed while performing activities under this contract.
  - A description of the types of any planned temporary fencing and the fencing installation methods.
  - A map and descriptions of the offsite locations where livestock may be transferred while activities under this contract are being performed.
  - Any relevant calculations of acreage required to support relocated livestock or quantity of forage required to make up for any lost grazing space as a result of EPA work and temporary relocation of the livestock. (For example, if a new temporary location is five acres smaller than original grazing area, then an additional 200 pounds of quality forage per day may be necessary to make up for the loss of grazing area, etc.)
  - Describe how livestock and associated supplies and equipment will be transported to offsite locations. For cost estimating purposes, costs associated with moving livestock, supplies, and equipment will be at the expense of the contractor and should be included in the unit pricing for similar site preparation work in the area.
  - Identify who will be responsible for the care of relocated livestock.
  - Describe how conflict resolution will occur if the landowner/livestock owner is not agreeable to the proposed relocation plan or if livestock is damaged/hurt as a result of Contractor activities. The Contractor is responsible for negligent loss or damage incurred during relocation activities. Any costs of this nature would not be paid from contract funds nor will there be a separate CLIN established to

charge for loss/damage.

Site Work Plans

All draft plans to be submitted within 15 calendar days of contract award.

- Final Stormwater Pollution Prevention Plan (SWPPP) – due to the COR within 20 calendar days of receipt of EPA comments on the draft plan. The plan must discuss the Contractor's activities to prevent stormwater contamination, control sedimentation and erosion, and comply with the substantive requirements of the Clean Water Act (CWA). A permit is not required for the work under this PWS but, the substantive requirements of the CWA must be met. The plan must address Best Management Practices and erosion control efforts, along with their required inspections and maintenance procedures.

- Final Borrow Area Excavation and Restoration Plan – This plan is due to the COR within 20 calendar days of receipt of EPA comments on the draft plan. The plan must discuss the Contractor's approach to the identification, testing, excavation, and restoration of all borrow areas.

- Final Subsidence Pit, Vent Pipe, and Mineshaft Filling Plan – due to the COR within 20 calendar days of receipt of EPA comments on the draft plan. The plan must discuss the Contractor's approach to properly fill and cap subsidence pits and fill and plug vent pipes and mineshafts if they are encountered in the repair areas.

- Final Revegetation Plan – due to the COR within 20 calendar days of receipt of EPA comments on the draft plan. The plan must identify the source and characteristics of imported select fill and topsoil to be used for covering and grading the disturbed areas. The plan must discuss the Contractor's approach to the identification, testing, excavation, and restoration of all excavated areas. The plan must provide detailed information about the seed to be used under this contract (temporary and permanent), the borrow source(s) for select clay fill and topsoil, organic content of the proposed topsoil, nutrient content, the procedures used to remove stones greater than 2 inches from the clay fill, procedure used to verify that seed is weed free, and the methods to be implemented during and after revegetation to ensure growth of intended vegetation and management of invasive weeds such as sericea lespedeza (*Lespedeza cuneata*). The plan must discuss the Contractor's approach to revegetation, including steps to address establishing vegetation during drought and particularly wet conditions if encountered during the contract period. The plan will also identify soil sampling/nutrient testing and plans on when and with what to amend the soil(s), as needed.

Project Reports

- Weekly Progress Report – The weekly progress report is due to the COR by 12:00 p.m. each Monday following the NTP. The reports must be submitted electronically to the COR and included as backup to invoices. The report must summarize and identify the following items:
  - Work accomplished per each PWS task (acres of clearing and grubbing, cubic yards of excavated waste, cubic yards of backfill and topsoil, grading activities, seed quantities),
  - Problems encountered and resolved,
  - Safety incidents,
  - Media contacts,
  - Citizen complaints,
  - Photographs of work areas,
  - Any other noteworthy issues from the previous work week, and
  - All lengths of roads used that week by Contractor or their subcontractor's haul trucks.

- Haul Route (pre- and post-excavation) Photograph and Video Documentation – This is due to the COR within 10 calendar days prior to the start of excavation and within 10 calendar days following the completion

of the use of the haul route. The Contractor must submit one electronic copy of the native photograph (JPG or other common format) and video file format (MOV, AVI, WMV or another common format). All off-site haul routes must be photographed and videotaped prior to construction and after the work in a given area has been completed, in order to assess any damage that may have occurred due to construction activities. The Contractor must submit the photos and video to the EPA both prior to construction and, following construction completion. The speed of the vehicle from which the video is taped must be no more than 20 miles per hour.

- Project photographs and video (in electronic file format) of work areas – This is due to the COR at least 15 calendar days prior to the start of construction at a given area and within 15 calendar days after completion of final construction at a given area. Digital photographs/video must be provided for all work areas before beginning work, during construction, and after the work has been completed. Such photographs/video must, at a minimum, cover each area in all four directions at the same locations. For each photograph/video, the date, time, location (with GPS coordinates), and viewing direction must be recorded. At a minimum, the digital camera used must be auto focusing with a minimum image resolution of 12 megapixels and equipped with a flash for low light conditions. The camera must also have a minimum two times zoom capacity and be capable of transferring digital photographs to a "JPEG" or "TIF" electronic format.

- Original third-party surveyor field notes for each of the areas – due to the COR within 15 calendar days of completion of final construction of each area.

- Final As-Built Drawings – These are due to the COR within 30 calendar days of completion of a third-party survey for final construction of an area or as requested by the COR as final quantity payments must be based on the numbers reported in the survey(s). The Contractor must submit one electronic copy of each format (AutoCAD format, PDF, and ESRI shapefile format) of the final drawings to the EPA.

- Draft Annual Remedial Action Report(s) – This is due to the COR within 30 calendar days after each contract period. The sections in this report must match the sections that cover each of the tasks in the PWS. This report must include, but is not limited to the following items:
  - Documentation on the completion of the required PWS tasks with any field changes,
  - Total volume of mine waste and contaminated soil excavated and disposed,
  - Location of disposal,
  - Acres of land remediated,
  - Acres repaired and restored,
  - Actual volumes of materials used, to include:
    - Backfill,
    - Topsoil,
    - Seed,
    - Fencing, and
    - Other construction materials.

This information must be provided in summary table format as part of the Annual Remedial Action Report.

In addition, the Annual Remedial Action Report must include appendices for the following items:
- Property access and documentation of pre-construction site walks (See Task 1),
- Digital imagery documenting repair areas and public roadways (See Task 10),
- Final surveys (See Task 10), and
- Analytical Results.

Assumes the completion of an Annual Remedial Action Report following completion of activities in each period and the last Annual Remedial Action Report following completion of activities in the last option period but 30 days prior to contract expiration.

- Final Annual Remedial Action Report(s) – This is due to the COR within 15 calendar days of receipt of EPA comments on the draft Annual Remedial Action Report(s).

- Decommissioning and Abandonment Records of mine shafts and vent pipes – due to the COR within 15 calendar days of completing the abandonment of structures.

V. TABLE OF DELIVERABLES

(Submitted electronically unless otherwise noted)

Project Support Plans	
Document	**Due Date**
Draft PMP	Due with Proposal
Draft HASP, TMP, UAS, LMP	Due 15 calendar days from contract award
Draft QAPP	Due 30 calendar days from contract award
Final PMP, QAPP, HASP, TMP, UAS LMP	Due 15 calendar days from receipt of EPA comments on the draft plan.
Site Work Plans	
Draft Stormwater Pollution Prevention Plan: Draft Borrow Area Excavation and Restoration Plan; Subsidence Pit, Vent Pipe, and Mineshaft Filling Plan; Revegetation Plan	Due 15 calendar days from contract award
Final Stormwater Pollution Prevention Plan: Final Borrow Area Excavation and Restoration Plan; Subsidence Pit, Vent Pipe, and Mineshaft Filling Plan; Revegetation Plan	Due 20 calendar days from receipt of EPA comments on the draft plan.
Project Reports	
Signed access forms	Due 3 calendar days from receipt of signed form.
Documentation of pre-construction site walks	Due 5 calendar days from completion of pre-construction site walk.
Weekly Progress Reports	Due by 12:00 p.m. each Monday following NTP and with submission of Invoices
Haul Route (pre-excavation video)	Due 10 calendar days prior to start of excavation.
Haul Route (post-excavation video)	Due 10 calendar days following the completion of the use of the haul route for all activities.
Project photographs and video (pre-construction)	Due 15 calendar days prior to start of construction at each area.
Project photographs and video (post-construction)	Due 15 calendar days following completion of final revegetation at each area.
Final As-Built Drawings	Due 30 calendar days after completion of a third-party survey following final regrading of the work area. Due 15 calendar days prior to submittal of the final invoice for each contract period.
Draft Annual Remedial Action Report(s)	Due 30 calendar days after each contract period.
Final Annual Remedial Action Report(s)	Due 15 calendar days from receipt of EPA comments on the draft plan.
Last Draft Annual Remedial Action Report	Due 30 calendar days prior to contract expiration.

Original third-party surveys for activities defined in Task 9 in each phase.	Due 15 calendar days after each sub-activity under the task.
Decommissioning and Abandonment Records	Due 15 calendar days of completing the abandonment of each mineshaft, vent pipe, or well.

VI. ON-SITE PERSONNEL

All onsite personnel during mine waste removal must have completed 40-hour OSHA HAZWOPER training. All on-site personnel throughout the contract must have completed 24-hour OSHA HAZWOPER training and be up to date on HAZWOPER 8-hour annual refreshers before reporting for work on site. Training certificates/documentation and all other required documents for all on-site personnel must be maintained on-site for the EPA to review at any time. This includes on-road truck drivers operating equipment without engineering controls such as maintained cabin air filters and keeping windows rolled up. It is the responsibility of the employer to assess employee exposure to heavy metals on site and implement protective measures as needed. Site safety is the responsibility of everyone, but contractors are required to comply with all OSHA regulations and this compliance is the responsibility of the employer.

VII. PERFORMANCE STANDARDS

All work performed must be performed in accordance with the BOD specifications, PWS, RD drawings, the QAPP and all other applicable contract documents. The period of performance for this contract will consist of one 12-month base period and two 12-month option periods that will be initiated from the date of the contract award.

VIII. PERSONNEL BACKGROUND CHECKS FOR CONTRACTOR EMPLOYEES

The contractor must provide qualified personnel that meet the background check requirement identified below. The EPA has established 2 levels of criteria. Level 1contains background check criteria applicable to all contractor employees working at a response site. Level 2 contains background check criteria requirement that apply to all contract employees working at sites that are designated by EPA as "Sensitive Sites." Examples of sensitive sites include those that involve law enforcement activities, apparent or suspected terrorist activities, any indoor cleanups (including private residences), drug lab cleanups, and response actions at geographically sensitive locations such as military installations and government buildings. The Task Order Contracting Officer will notify the contractor whenever EPA designates a response site as a sensitive site. The designation will be provided to the contractor in the task order, work assignment, or verbally, as the situation warrants. If the designation is provided verbally, the Contracting Officer will issue a written designation as soon as practicable after the verbal notification.

LEVEL 1- EPA Background Check Criteria:

- Can be a non--U.S. citizen with a valid visa,
- No convictions for crimes involving issues of National Security. A "national security crime" is defined as any criminal activity involving espionage or foreign aggression against the United States, intelligence or counterintelligence activities, concerned with undermining or overthrowing the government of the United States and unlawful handling or disclosure of classified information.
- No weapons offense in the last five (5) years,
- No felony conviction in the last three (3) years,
- Not a fugitive from justice,
- Not listed in SAM.gov Exclusions. An exclusion record identifies parties excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits. Exclusions are also referred to as suspensions and debarments. SAM.gov Exclusions can be found at: https://sam.gov/content/exclusions.

If the results of an employee's background check do not meet the criteria in either level l, as required, the Contractor may apply for a waiver. To initiate the waiver process, the contractor must submit, in writing, the background report on the employee and an explanation of the need for the employee. The Director of the Superfund/RCRA Regional Procurement Operations Division must approve the waiver before the employee performs contract services for EPA. The contracting officer will notify the contractor of the Agency decision within five (5) days of receipt of the contractor's request for a waiver.

The contractor must submit its request to the Director, Superfund/RCRA Regional Procurement Operations Division at:

By Mail:
U.S. Environmental Protection Agency Director, SRRPOD
Mail Code 3805R
1200 Pennsylvania Avenue, NW
Washington, DC 20460

By Courier/Hand Carried:
U.S. Environmental Protection Agency Director, SRRPOD
Bid and Proposal Room
Ronald Reagan Building, 6th floor, Room 61107
1300 Pennsylvania Avenue, NW
Washington, DC 20004

IX. EPA CONTACTS

Contracting Officer Representative (COR):	Todd Campbell (913) 551-7115
Alternate COR:	Elizabeth Hagenmaier (913) 551-7939
Contracting Officer:	Arlo Hurst (913) 551-7637
Administrative Contracting Officer:	Leah Thurman (913) 551-7662

PWS Attachments:

These documents can be found electronically at the following link,
https://newftp.epa.gov/pkg?token=eaa5c2f7-7379-4c58-be8d-cf5bd28314be

This link will expire on November 3, 2022.

Attachment A – OU3 Phase IV and OU8 Phase I work area overall map
Attachment B – OU3 Basis of Design, Drawings, Specifications
Attachment C – OU8 Basis of Design, Drawings (Segments C, E, F only), Specifications
Attachment D – EPA R7 SOP 2341.1
Attachment E – EPA OLEM Procedures for UAS
Attachment F – 2019 Technical Memorandum for Results of Supplemental Phase 2 Remedial Design Field Investigation. OU3